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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,101	07/10/2003	Chad B. Munger	35751.00.0001	1990
23418 7590 04/02/2007 VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/617,101

Applicant(s)

MUNGER, CHAD B.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119-

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Samph et al (USPN 5,204,813).

As per claim 1, Samph et al disclose a method of administering proctored tests (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) for a testing authority (i.e., test administrator, column 4, lines 39-41) comprised of: providing a first certified proctor to proctor a first test for the first testing authority at a first time (i.e., proctor at assessment center 35, column 4, lines 48-51), said first certified proctor being unaffiliated with the testing authority (i.e., test proctor affiliated with assessment center not test administrator, wherein assessment centers are sites established for the administration of an examination, column 4, lines 35-37).

As per claim 2, Samph et al disclose a method of administering proctored tests (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) for a testing authority (i.e., test administrator, column 4,

Art Unit: 3623

lines 39-41) comprised of: providing a plurality of certified proctors to proctor a first test for the first testing authority at a first time (i.e., proctor at assessment center 35, wherein multiple proctors may be required for large number of candidates, column 4, lines 48-51), each proctor of said plurality of certified proctors being unaffiliated with the testing authority (i.e., test proctor affiliated with assessment center not test administrator, wherein assessment centers are sites established for the administration of an examination, column 4, lines 35-37).

As per claim 3, Samph et al disclose a method of administering proctored tests (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) for first and second, unrelated testing authorities (i.e., another test to be given at the assessment center, column 7, lines 19-21) comprised of: providing a first certified proctor to proctor a first test for the first testing authority at a first time (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); and providing the first certified proctor, to proctor a second test for the second testing authority at a second time (i.e., proctor at assessment center 35, on a different particular test day, column 4, lines 48-51 and column 5, lines 44-46).

As per claim 4, Samph et al disclose a method of administering proctored tests (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) for unrelated testing authorities (i.e., another test to be given at the assessment center, column 7, lines 19-21) comprised of: providing a first certified proctor, to proctor a first test for a first testing authority at a first time at

Art Unit: 3623

a first location (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); and providing the first certified proctor, to proctor a second test for a second testing authority at a second time at a second location (i.e., proctor at assessment center 33, 34 or 36, on a different particular test day, column 4, lines 48-51 and column 5, lines 44-46).

As per claim 5, Samph et al disclose a method of administering proctored tests (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) for testing authorities (i.e., test administrator, column 4, lines 39-41) comprised of: providing a first certified proctor, to proctor a first test for a first testing authority at a first time (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); and providing the first certified proctor, to proctor the first test for the first testing authority at a second time (i.e., proctor at assessment center 35, on a different particular test day, column 4, lines 48-51 and column 5, lines 44-46).

As per claim 6, Samph et al disclose a method of administering proctored tests for testing authorities (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59) comprised of: providing a first certified proctor, to proctor a first test for a first testing authority at a first time (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); and providing the first certified proctor, to proctor a second test for the first testing authority at a second time (i.e., proctor at assessment center

35, on a different particular test day, column 4, lines 48-51 and column 5, lines 44-46).

As per claim 7, Samph et al disclose a method of administering proctored tests for a testing authority (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59), the method comprised of: and providing a first certified proctor, to proctor a first test at a first time at a first location (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); providing a second certified proctor, to proctor a said first test at said first time at a second location (i.e., proctor at assessment center 33, 34, or 36, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46); said first certified proctor and said second certified proctor being independent of the testing authority (i.e., test proctor affiliated with assessment center not test administrator, wherein assessment centers are sites established for the administration of an examination, column 4, lines 35-37).

As per claims 8-14, Samph et al disclose determining whether an individual has a criminal background (i.e., screening questions related to character, including criminal convictions, column 2, lines 35-39); and administering a qualification exam to the individual to determine the ability of the individual to conform to test administration standards of unrelated testing authorities (i.e., candidate required to take and pass examination administered by a licensing authority, column 1, lines 20-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samph et al (USPN 5,204,813), in view of www.asisvcs.com (retrieved from web.archive.org, dated August 3, 2002).

As per claim 15, Samph et al disclose a method of administering proctored tests for a testing authority (i.e., administration of exams at various assessment centers, via test proctor, column 4, lines 29-32 and 56-59), the method comprised of: upon receipt of the request for a certified proctor, providing a certified proctor on a date and time and at a location (i.e., proctor at assessment center 35, on a particular test day, column 4, lines 48-51 and column 5, lines 44-46). Samph et al does not disclose receiving a request for a certified proctor via a web-based data transfer. www.asisvcs.com discloses contact via email (page 7), wherein a potential client can request distribution of content via a proctored venue (§ 10). Both Samph et al and www.asisvcs.com are concerned with effective testing administration, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving a request for a certified proctor via a web-

Art Unit: 3623

based data transfer in Samph et al, as seen in www.asisvcs.com, thus providing an efficient means of requesting a proctor in Samph et al via central computer 30.

As per claim 16, Samph et al disclose receiving examinee demographic data prior to the step of providing a certified proctor (i.e., demographic information, column 6, lines 47-50).

As per claim 17, Samph et al does not disclose identifying a geographically convenient proctor from examinee demographic data. www.asisvcs.com discloses a nationwide network of proctored test centers (§ 11), wherein a test center would be chosen based on geographic location. Both Samph et al and www.asisvcs.com are concerned with effective testing administration, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying a geographically convenient proctor from examinee demographic data in Samph et al, as seen in www.asisvcs.com, thus providing an efficient means of determining a convenient proctored test center.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Lines et al (US 2003/0125924) disclose simulating computer network devices.

-Heller et al (USPN 7181158) disclose generating different versions of the same test.

-Sciuk (US 2003/0093322) disclose managing a multi-step process in which human providers are selected for some purpose.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3623

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb
March 29, 2007


ANDRE BOYCE
PATENT EXAMINER
A. U. 3623